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A QUARTERLY REVIEW OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

Right to Development

OHCHR Office in Cambodia

Human Rights Complaints Procedures

Fund on Slavery

National Human Rights Institutions

Droit au développement

Bureau du HCHD au Cambodge

Procédures de communications

relatives aux droits de l'homme

Fonds contre l'esclavage

Institutions nationales

des droits de l'homme



Droits de l'homme

N° 2 Printemps 1998

REVUE TRIMESTRIELLE DU HAUT COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME

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EDITORIAL

Dès ma prise de fonction en tant que Haut Commissaire, j'ai insisté sur la nécessité d'adopter une démarche équilibrée en matière de droits de l'homme. Cela signifie qu'il nous faut consacrer la même attention aux droits économiques, sociaux et culturels et au droit au développement qu'à celle accordée aux droits civils et politiques.



Je n'ignore pas les critiques faites à cet égard selon lesquelles les droits économiques, sociaux et culturels seraient des "droits négligés" et je suis consciente du fait que cette négligence a contribué à apporter une certaine tension au débat sur les droits de l'homme. Je suis ravie donc que le thème pour ce trimestre soit le développement durable, qui n'est possible que par la réalisation des droits économiques, sociaux et culturels et le respect des droits civils et politiques des individus.

Il est probable que la violation des droits de l'homme la plus répandue de nos jours soit constituée par le fait qu'un cinquième de l'humanité vive dans des conditions d'extrême pauvreté. Mon Bureau travaille avec le PNUD, ainsi que d'autres agences du système des Nations Unies, afin d'essayer de comprendre comment les normes et les obligations en matière de droits de l'homme peuvent influencer la prise de décision dans les activités de développement et ainsi pouvoir surmonter cette violation des droits de plus d'un milliard de personnes.

Certains articles de cette revue donnent un aperçu des différentes activités du Haut Commissariat aux droits de l'homme, notamment s'agissant du bureau situé au Cambodge que j'ai visité en janvier, des procédures de communication en matière de droits de l'homme et des institutions nationales des droits de l'homme.

On ne peut jamais échapper à la question du financement. Nous sommes de plus en plus tributaires de contributions volontaires pour financer les opérations sur le terrain, le programme d'assistance technique ainsi que pour répondre aux nombreuses demandes faites au Bureau. Pour donner une image réelle de nos besoins, la revue comprend un tableau sur les financements extra-budgétaires pour cette année, les contributions reçues et, aussi, les fonds manquants.

Since taking office as High Commissioner, I have spoken constantly of the need for a balanced approach in human rights. This means giving the same attention to economic, social and cultural rights and the right to development that we give to civil and political rights.

I am very aware of the criticism that economic, social and cultural rights have been the "neglected rights" and believe that this neglect has contributed to much of the tension in the human rights debate. I am pleased therefore that the theme of this issue is sustainable development – possible only through realizing economic, social and cultural rights while respecting people's civil and political rights.

Perhaps the largest-scale violation of human rights today is the fact that one-fifth of humanity lives in absolute poverty. My Office is working with the UN Development Programme and other agencies in the UN system to increase understanding of how human rights standards and obligations can contribute to decision-making in development activities in order to address this violation of the rights of more than a billion people.

Some articles provide an insight into aspects of the varied activities of the OHCHR including the work of the field office in Cambodia which I was able to visit in January, human rights communications procedures, and the importance of national human rights institutions.

We can never escape from the issue of funding. We are increasingly reliant on voluntary contributions to fund field operations, the technical assistance programme and to respond to the demands on the Office. To give a clear sense of our needs, this issue includes a table on extra-budgetary funding for the year, the contributions received so far and, inevitably, the shortfall.

A handwritten signature in dark ink, reading "Mary Robinson". The signature is fluid and cursive, with the first name "Mary" written in a larger, more prominent script than the last name "Robinson".

Mary Robinson

High Commissioner
for Human Rights

The Right to Development: From Rhetoric to a Global Strategy

For over two decades, the international community has attached importance to the universal realization of the right to development. Based on the idea that a relationship exists between human rights and economic and social development, the Commission on Human Rights requested the Secretary-General, as early as 1977, to undertake a study on the international dimensions of the right to development. Since then, three Working Groups on the Right to Development have been engaged in discussions on, *inter alia*, the content, implementation of the right to development, and obstacles thereto. Moreover, the Declaration on the Right to Development was drafted and subsequently adopted by the General Assembly in 1986; the right itself has been affirmed and reaffirmed, notably by the World Conference on Human Rights in 1993, as a universal and inalienable human right and an integral part of fundamental freedoms; the High Commissioner for Human Rights has received a specific mandate in respect of the right to development; numerous General Assembly and Commission on Human Rights resolutions on the subject have also been passed. Notwithstanding these commendable steps, polarization of arguments, but also unfamiliarity with and deliberate misconstruction of the subject matter often prevail in discussions and have blurred obvious possibilities for a comprehensive and integrated approach to human rights.

THE DECLARATION ON THE RIGHT TO DEVELOPMENT

In 1986, the Declaration on the Right to Development was adopted by the General Assembly in its resolution 41/128 of 4 December. In adopting the Declaration, the General Assembly recognized that development is a comprehensive cultural, political, economic and social process which aims at constant im-

provement in the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. Moreover, the General Assembly considered that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms, cannot justify the denial of other human rights and fundamental freedoms.

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized (article 1.1). The human person is the central subject of development and should be the active participant and beneficiary of the right to development (article 2.1).

In this respect states should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. They should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights (article 8). At the international level there exists a duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development. To complement the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development (article 4).

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THE EVOLUTION OF THE RIGHT TO DEVELOPMENT SINCE THE WORLD CONFERENCE ON HUMAN RIGHTS

With the adoption of the Vienna Declaration and Programme of Action (VDPA), new impetus was given to the right to development after the adoption of the Declaration in 1986. The consensus of Vienna sets out, *inter alia*, that: democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing; the human person is the central subject of development; and that organs and specialized agencies relating to human rights should further enhance coordination of their activities based on the consistent and objective application of international human rights instruments. Moreover, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and integral part of fundamental human rights.

Following the Vienna Declaration and Programme of Action, the General Assembly, by resolution 48/141 of 20 December 1993 adopted at its 48th session, established the post of High Commissioner for Human Rights. *Inter alia*, the General Assembly decided in this resolution that the High Commissioner should recognize the importance of promoting a balanced and sustainable development for all people and of ensuring the realization of the right to development, as established in the Declaration on the Right to Development. Moreover, the High Commissioner should promote and protect the realization of the right to development and enhance support from relevant bodies of the UN system for this purpose.

Turning to this mandate, as well as to the above-mentioned references from the Declaration on the Right to Development, it becomes clear that the right to development is a programmatic right with a multidimensional character. Acknowledgment of this can be found in several resolutions adopted, and reports endorsed, in recent years. Commission on Human Rights resolution 1997/72, for example, recognized that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the VDPA through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights.

During an informal meeting with the Second Committee of the General Assembly in November 1997, the High Commissioner for Human Rights empha-

sized that the concept of development as defined in the 1986 Declaration is an economic, social, cultural and political process aiming at constant improvement in the well-being of the population as a whole and of each individual. The individual's active, free and meaningful participation in development and in the fair distribution of the benefits of development is the basis for such a process. She noted that central to this approach is the realization that all human rights are interdependent and that durable economic and social progress require civil and political freedoms and vice versa. She proposed that the Second and Third Committees work jointly to implement that right focusing on the elimination of poverty.



The implementation of the right to development should focus also on the elimination of poverty

Secretary-General Kofi Annan has also stressed the importance of the right to development. In his statement to the 53rd session of the Commission on Human Rights he stressed that "truly sustainable development is possible only when the political, economic and social rights of all people are fully respected. They help to create the social equilibrium which is vital if a society is to evolve in peace. The

right to development is the measure of the respect of all other human rights. That should be our aim: a situation in which all individuals are enabled to maximize their potential, and to contribute to the evolution of society as a whole".

In other words, the human right to development is related to all human rights but cannot be identified merely as the sum total of civil, cultural, economic, political and social rights. It allows for the recognition of ties between various human rights and enables the integration of the full range of human rights from the perspective of the human person's participation in and contribution to sound economic, social, cultural and political development. For example, economic growth can be a requirement for the realization of economic, social and cultural rights. However, it is firmly established that development is not restricted to economic growth. Not all forms of growth would even be compatible with development. As Asbjorn Eide, member of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities described, as early as 1987, the distinguishing criteria should be whether the processes of growth are such that they do not negatively affect civil and political rights, and give better protection in terms of economic, social and cultural rights to the most vulnerable and impoverished. In this context, the right to development encompasses the place

of individuals in civil society, their personal security and their capacity to determine and realize their potential.

The implementation of the Right to Development requires first and foremost, as in the case of all other human rights, a translation to the domestic level. Former Secretary-General Boutros Boutros-Ghali pointed out in his *Agenda for Development* that each State continues to bear primary responsibility for its own development. The World Summit for Social Development held in 1995 underlined this responsibility in the Copenhagen Declaration. The World Conference on Human Rights furthermore underscored that while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights. Whether expressed in the language of State responsibility or that of international human rights, development requires sound governance, translated into coherent national policies which are supported by strong popular commitment. It is a means of ensuring democracy at national and international level, as well as improvement in incomes, health and social services and, generally, in living conditions of all people. International cooperation is needed to facilitate activities to that end.



The right to development denied: children scavenging trash heap

At present, the translation of the implementation of the right to development into national and international programmes of action is, however, not yet taking place. In this respect, the wisdom of the Indian Government is apparent in their reply to Commission on Human Rights resolution 1997/72 on the Right to Development, in stating that: "the failure to progress beyond rhetoric on the right to development represents the biggest shortcoming on the part of the international community in the five years since the adoption of the Vienna Declaration and Programme of Action". As the international community commemorates the 50th Anniversary of the Universal Declaration of Human Rights, the time has come to draw up a comprehensive action-orientated programme of action for the promotion, protection and implementation of the right to development.



Making mud-bricks

Photo: UN

STRATEGY FOR THE PROMOTION, PROTECTION AND IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT

More than ten years after the adoption of the Declaration on the Right to Development it seems that the core elements of that right are undisputed. As such, nothing obstructs initiatives aimed at adopting a practical approach and the elaboration of a comprehensive plan of action for implementing the right to development. The Intergovernmental Group of Experts on the Right to Development has already formulated certain initiatives requiring further action. These, as well as some additional ideas, should be taken into account by the international community in setting their priorities for the new millennium.

The most critical change that has to take place, in terms of policies and strategies, is the adjustment of 'basic needs strategies' to a 'rights-based approach'. Human rights and fundamental freedoms are the

birthright of all human beings and should be treated accordingly. A basic needs strategy incorporates a certain element of charity, whereas a human rights-based approach not only defines beneficiaries and the nature of their needs, but recognizes beneficiaries as active subjects and claim-holders and establishes duties or obligations for those against whom a claim can be brought to ensure that needs are met. The con-

cept of claim-holders and duty-bearers introduces an important element of accountability. Increased accountability holds the key to improved effectiveness and transparency of action and as such offers the potential for "added value" flowing from the application of a rights-based approach.

In support of such an approach, steps could be taken to assign human rights officers to field offices as was foreseen in the VDPA. Their mandate, in addition to what is contained in the VDPA, should focus primarily on providing technical assistance in the field of human rights law. An analogy in this respect can be drawn with the so-called "Labour Law and Standards Specialists" of the International Labour Organization (ILO). The human rights officer should convey advice to Governments on all matters relating to the carrying out of their obligations under ratified human rights treaties; assist in clarifying the nature and scope of the various reporting obligations; provide information as regards matters arising under the special complaints procedure in cases of alleged violations of human rights; and approach Governments which delay in transmitting the information or observations requested from them. In the case of



"Campesinos" - farm workers in Latin America

Governments which have not ratified particular conventions and treaties, the human rights officer, bearing in mind the call for universal ratification of human rights treaties by the World Conference on Human Rights, should approach the Government concerned with a view to identifying and removing obstacles to ratification of these treaties. Governments could furthermore be encouraged to consider legislative and constitutional changes designed to guarantee that treaty law takes precedence over internal law and that treaty provisions are directly applicable in the internal legal order.

Another initiative that should be undertaken and which derives from acknowledgment of the indivisibility, interdependence and interrelatedness of human rights is the upgrading of economic, social and cultural rights. Although the right to development does not prioritize one particular set of rights as a component, it should be clear that specific steps have to be taken in respect of economic, social and cultural rights. Whereas clear standards have been set as to the contents of civil and political rights, the precise meaning of economic, social and cultural rights remains vague in many instances. If all human rights are to be accorded equal status, more attention needs to be paid to clarifying the universal minimum core contents of economic, social and cultural rights. Initiatives that were recently undertaken in respect of the right to adequate food as well as the right to health should therefore be fostered and supported. An im-

proved implementation process relating to economic, social and cultural rights as an essential element for the implementation of the right to development could, *inter alia*, be strongly encouraged by adopting the 20/20 compact as discussed at the World Summit for Social Development and the Fourth World Conference on Women. The 20/20 compact encourages countries to spend 20% of Official Development Aid (ODA) and 20% of the budget of the recipient country on basic social programmes. Although the 20/20 compact does not cover all economic, social and cultural rights it could serve as a useful tool in monitoring the serious intention of Governments to implement a number of economic, social and cultural rights.

The Office of the High Commissioner for Human Rights (OHCHR), for its part, should place strong emphasis on mainstreaming human rights throughout the United Nations family. As such, its technical assistance programme should link up with ongoing inter-agency initiatives and programmes. A strong involvement on the part of the human rights programme in ongoing field level initiatives such as the Country Strategy Note (CSN), the Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF) is of the utmost importance. It is through these initiatives that the application of human rights norms and standards can really make a sound and sustainable difference in the development processes of countries con-

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cerned. Perhaps an internal OHCHR working group on inter-agency matters would be advisable in this respect. Such a working group could also envisage human rights training courses for United Nations civil servants.

The time has also come for non-governmental organizations to become more involved in the promotion, protection and implementation of the right to development. Human rights law has evolved over the years and so should the non-governmental community. With the acknowledgment of the universality, indivisibility, interdependence and interrelatedness of all human rights firmly established, NGOs should no longer hide behind the limited scope of their mandates. At the same time, bridges have to be built between the so-called 'traditional' human rights organizations and those organizations involved in 'traditional' development issues.

A suggestion directed at all participants in the larger development process concerns the use of human rights impact assessments in development planning and implementation. Fifty years after the adop-



village meeting: deciding on development strategies

Photo: UN

tion of the Universal Declaration of Human Rights one should no longer consider these assessments controversial. The right to development makes it abundantly clear that human rights are a part of the larger development process. The drawing up and implementation of human rights impact assessments, based on the objective application of human rights treaties, before projects are implemented and resources are allocated, would support a sustainable human development process. It would ensure that the human person is the central subject of development and that he is the active participant and beneficiary as foreseen in the 1986 Declaration on the Right to Development.

CONCLUDING REMARKS

A brief overview of what constitutes the right to development serves to shed some light on the numerous opportunities to draw up, endorse and implement a comprehensive action plan at national and international level. Although one should acknowledge that many elements of the right to development remain under discussion, this may not put the human rights implementation framework on hold. Indeed, the time has come to progress beyond rhetoric when dealing with the right to development as a human right.

Patrick van Weerelt



Photo: UN

Village cooperative bank distributing loans to start up a productive activity

The United Nations Human Rights Programme in Cambodia

From 1991 to 1993, the United Nations Transitional Authority in Cambodia (UNTAC), established under the 1991 Paris Peace Agreement, had an important human rights component with the mandate to "be responsible during the transitional period for fostering an environment in which respect for human rights shall be ensured". The Paris Peace Agreement further states that "after the end of the transitional period, the United Nations Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly".

The Cambodia Office of the High Commissioner for Human Rights was set up, pursuant to Commission on Human Rights resolution 1993/6, in October 1993 immediately upon the departure of UNTAC, to ensure a continued UN human rights presence in Cambodia. The human rights operational presence is mandated by the Commission to:

- (a) manage the implementation of educational and technical assistance and advisory services programmes and to ensure their continuation;
- (b) assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently acceded to, including the preparation of reports to the relevant monitoring committees;
- (c) provide support to bona fide human rights groups in Cambodia;
- (d) contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;
- (e) continue to assist with the drafting and implementation of legislation to promote and protect human rights;
- (f) continue to assist with the training of persons responsible for the administration of justice.



Human rights training session for Cambodian police officials - Kompang Span province

FIELD

The Commission on Human Rights, in the same resolution (1993/6), also requested the appointment of a Special Representative of the Secretary-General for Human Rights in Cambodia with the mandate to (a) maintain contact with the Government and people of Cambodia; (b) guide and coordinate the United Nations human rights presence in Cambodia; and (c) assist the Government in the promotion and protection of human rights. Ambassador Thomas Hammarberg of Sweden was appointed by the Secretary-General as his Special Representative for Human Rights in Cambodia early in 1996, following the resignation of Justice Michael Kirby subsequent to his appointment to the High Court of Australia.

The human rights operation in Cambodia is funded under two sources: the United Nations regular budget covering salaries of staff and operational expenses, and the United Nations Trust Fund for a Human Rights Education Programme in Cambodia covering the substantive programmes. At present, the Office has over 50 staff members, the majority of whom are Cambodians. Through its Judicial Mentor Programme and the Provincial Network Programme, the Office has a presence in 13 of the 21 provinces of Cambodia. The activities of the Cambodia Office are reported on annually by the Secretary-General to the Commission on Human Rights and to the General Assembly. The most recent report (E/CN.4/1998/94) covers the activities carried out throughout 1997.

In accordance with its mandate, the Cambodia Office has been working in the areas of building institutions and legal structures for human rights and democracy; securing a system for the administration of justice consistent with international standards; strengthening civil society; strengthening human rights activities at local and provincial level; raising human rights awareness and providing human rights education.

An example of the Office's work in the area of the administration of justice is the Judicial Mentor Programme which aims at: (a) contributing to the long-term improvement of human rights in the administration of justice through daily advice and assistance

to the courts; (b) contributing to the improvement of the effectiveness of the judicial system by improving the capacity of the Cambodia courts to coordinate with the police, prison officials, military and provincial administration; (c) providing a basis for identifying further ways to upgrade the judicial system including through law reform, in conformity with international human rights standards. Under the programme,



Photo: OHCHR

Human rights training session for detainees in Kampong Cham provincial prison

judges or experienced lawyers from other countries, especially those from the region, are placed in the provincial and municipal courts to work with Cambodian judges, prosecutors and clerks on a daily basis. At present, six international consultants, each assisted by a Cambodian human rights assistant, provide services to seven Cambodian courts.

The Cambodia Office also has responsibility for assisting the Government in the preparation of reports on human rights conventions: this assistance includes substantive and financial support to the Inter-Ministerial Committee on Drafting of Reports under Human Rights Conventions and to its various sub-committees as well as to NGOs. With the Office's assistance, the Government has submitted its reports to the Human Rights Committee, the Committee on the Rights of the Child, and the Committee on the Elimination of Racial Discrimination.

Support for the capacity building of local human rights NGOs continues to be an important component of the human rights programme in Cambodia. Another component of the programme is training of trainers targeted at various professional groups, including the military and the police.

The Cambodia Office, in addition, provides support to the Special Representative in terms of the ful-



Photo: OHCHR

The High Commissioner for Human Rights, Mary Robinson, and the Special Representative, Thomas Hammarberg attending a human rights training session for detainees in Kandal prison during their official visit to Cambodia

filment of his mandate. Since assuming his functions in May 1996, Ambassador Hammarberg has undertaken seven official missions to Cambodia and will continue to visit the country regularly. The Office works closely with the Special Representative for the preparation and realization of his missions. He has reported to the General Assembly (A/51/453, A/52/489) and the Commission on Human Rights (E/CN.4/1997/85, E/CN.4/1998/95). During the period of his appointment (23 November 1993 until his resignation in April 1996), Justice Kirby undertook seven official missions to Cambodia and reported, successively, to the General Assembly (A/49/635, A/50/681) and the Commission on Human Rights (E/CN.4/1994/73, E/CN.4/1995/87, E/CN.4/1996/93).

The High Commissioner for Human Rights, Mrs. Mary Robinson, visited Cambodia from 22-25 January 1998, her first official mission to Asia since taking office in September 1997. The primary objectives of the visit included discussions with the Government on a broad range of human rights issues, meeting with the non-governmental community and being informed about the activities of various organizations for the promotion and protection of human rights, as well as demonstrating support for the work of the Cambodia Office and that of the Special Representative.

In her meetings with representatives of Government, the High Commissioner had full and construc-

tive discussions on a wide range of human rights issues, including the organization of free and fair elections, the problem of impunity, and cooperation in the field of human rights between the Office of the High Commissioner for Human Rights and the Government of Cambodia.

Mrs. Robinson stressed the importance for the Government to take the necessary measures to build confidence in the country, and commented on the important role of civil society and the valuable work of the Cambodia Office through programmes such as the Judicial Mentor Programme, which she saw in operation during her visit to the court and prison of Kandal Province. The High Commissioner also expressed her appreciation of the Special Representative's commitment, expertise and integrity and her full confidence in and support for his work.

The High Commissioner also visited Toul Sleng Museum, the former Khmer Rouge prison and torture centre where thousands of people perished. She reiterated the need to break the cycle of impunity and to combat acts of hatred and inhumanity. The High Commissioner appealed for sustained commitment to the principle of the universality of human rights as well as for continued vigilance so that genocide would never recur.

Hannah Wu

TREATY BODIES

Treaty-based human rights complaints procedures in the UN - remedy or mirage for victims of human rights violations?

In June 1993, the World Conference on Human Rights solemnly reaffirmed the universality of all human rights and called upon the international community to strengthen the implementation mechanisms set up under most of the existing Covenants, conventions, treaties and protocols in the field of human rights. Human rights treaty bodies, such as the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination have indeed, since the early 1990s, taken measures designed to strengthen the impact of the periodic state reporting and individual complaints procedures they are mandated to implement. But do these measures suffice? Do States parties to the various instruments comply with the opinions and recommendations formulated by these committees? Have the victims of human rights violations come a step closer to an enforceable remedy if they obtain a favourable decision from one of the bodies? As the fifth anniversary of the adoption of the Vienna Declaration and Programme of Action approaches, it is appropriate to reassess the effectiveness of the individual complaints procedures currently operative in the context of the UN human rights programme.

Of the three existing complaints procedures¹, that under the Optional Protocol to the International Covenant on Civil and Political Rights (hereafter ICCPR) has become by far the best established and most authoritative. By the end of January 1998, there were 92 States parties to the Optional Protocol, and the Human Rights Committee had considered some 800 complaints and adopted 270 decisions on their merits. Over the past twenty years, the Committee has made important contributions to the interpretation of all the substantive provisions of the ICCPR, and its Views under the Optional Protocol have become closest to what can be termed a truly international human rights jurisprudence. It is a very positive development indeed that some national tribunals now refer to, and address in the *ratio decidendi* of their judgments, the Views of the Human Rights Committee: the Supreme Court of Zimbabwe and the Judicial Committee of the Privy Council (London) did so in 1993 on issues relating to the execution of capital

sentences, and the Constitutional Court of South Africa did so in 1995 when it declared capital punishment inconsistent with the South African Constitution. Conversely, the UN treaty bodies are now at least aware of the jurisprudence of regional human rights bodies or of national judicial instances on those legal issues they are called upon to consider. This mutual recognition and interplay between UN treaty bodies and other judicial instances is one of the most positive developments in recent years.

Over the years, complaints submitted to human rights treaty bodies have become increasingly complex, both from the factual and legal points of view. While many of the Human Rights Committee's decisions from the early years (up to the mid-1980s) concerned human rights violations which were easy to pinpoint legally, for example the ill-treatment of political prisoners, the Committee has since been called upon to consider issues such as discriminatory aspects of social security regulations in several countries, the right of indigenous groups to self-determination, the right to *habeas corpus*, or extradition of a complainant from one State party to face capital punishment in another country.

One would assume that the increasing recognition of the importance of the Committee's decisions by national tribunals results in a steady increase in the number of complaints from citizens of all States parties to the Optional Protocol. The reality does not bear out this assumption. While there has been a significant increase in ratifications of the Optional Protocol by States since the adoption of the Vienna Declaration and Programme of Action, yet only close to one-half of UN Member States are parties to the Protocol. On the Asian continent, in particular, only a few countries have acceded to the Protocol, and the number of registered cases from many of the States that have remained surprisingly low. Similarly, there are few if any complaints from many African States parties to the Protocol, such as Algeria, Niger, Somalia, Malawi or Chad. Surely, it cannot be that citizens do not suffer any violations of their rights in these countries.

TREATY BODIES

Two explanations for this situation come to mind. The first is a very low degree of knowledge about the existence of UN treaty-based complaints procedures both locally and nationally: many Governments ratify, or accede to, the procedure but do little if anything to inform their citizens. The second reason may be that in those countries which are torn by internal strife, citizens are concerned foremost with survival and personal security: recourse to an international instance may be hazardous in such situations. It is therefore important that national institutions for the promotion and protection of human rights and non-governmental organizations encourage the adoption of education programmes, at national and grass roots level, on the existence and the modalities of UN human rights complaints mechanisms.

Handling an ever-increasing number of complex complaints has presented the treaty bodies and particularly the Human Rights Committee with a number of dilemmas. Firstly, the meeting time allotted to communications during the annual sessions of the bodies concerned is too limited to allow a thorough and informed examination of all cases, and the absence of sufficient logistical and professional support within the UN Secretariat, to which the treaty bodies themselves have called attention over the past several years, continues to pose a problem. With the increase in the number of complaints submitted, the backlog in the consideration of complaints has assumed worrying proportions. Some complaints cannot be processed at all, or only with considerable delay, if they are submitted in languages other than secretariat working languages (English, French and Spanish). Whereas, a decade ago, hardly more than two to three years elapsed between registration of a complaint and a final decision, the time span now averages almost four years.

If the Human Rights Committee, and the treaty bodies in general, do not wish to leave themselves open to charges of "justice delayed is justice denied", they must address this problem. Jamaica was the first State party to react to the backlog in the examination of complaints under the Optional Protocol to the

ICCPR when it denounced the Protocol on 23 October 1997. Its Solicitor-General deplored the Committee's failure to find ways to examine more expeditiously the numerous capital punishment cases pending against Jamaica under the Protocol.

Treaty bodies have not been insensitive to such criticism. In 1994, the Committee on the Elimination of Racial Discrimination decided to request States parties to provide observations both on the admissibility and the merits of complaints, rather than to rely on the old, two-tiered procedure of examining admissibility and merits of complaints separately. The time gains in the examination of complaints with this streamlined procedure are indeed noticeable. The Human Rights Committee adopted a similar approach in 1997, amending its rules of procedure, and requesting States to provide information both on admissibility and merits *ab initio*. Whether all States will abide by these procedural changes remains to be seen, but by the beginning of 1998, a tentative evaluation of Government submissions received indicate that roughly 40% of States parties comply with the new rules. Of course, this degree of compliance may appear low, but if one considers that the new procedure is nowhere foreseen in the ICCPR or in the Optional Protocol itself, there is reason for cautious optimism. In any event, the streamlining of procedures should ensure that the recent Jamaican denun-

ciation of the Optional Protocol will remain an isolated example.

Another problem facing treaty bodies, relating both to examination of periodic state reports and complaints, concerns the decision-making mechanism under which they operate. The rules of procedure of treaty bodies do not prescribe consensus as the *modus operandi*, but in practice, all decisions adopted over the past twenty years were consensual ones. However, with regard to complaints procedures, particularly on factually and legally complex issues, deciding by consensus does not only result in excessively time-consuming deliberations, it can and does con-

"The mutual recognition and interplay between UN treaty bodies and regional or national judicial instances is one of the most positive developments in recent years"

TREATY BODIES

tribute to diluting the substance of the decisions. As it suffices for one expert to oppose a draft otherwise acceptable to all others, the search for consensus not only requires lengthy consultations about compromise formulae, it may also result in decisions where the thread or the logic of the legal argument is hard to follow, and where the lowest common denominator ultimately prevails.

Academics have occasionally and justifiably pointed out that the *ratio decidendi* of Human Rights Committee decisions is poor; some, such as Professor Henry Steiner of Harvard Law School, have proposed that the Committee opt for some form of discretionary jurisdiction, only accepting for consideration those complaints with a proven potential for furthering the substantive interpretation of the provisions of the ICCPR. This option, if adopted, would undoubtedly reduce the current backlog in examination of complaints, and result in qualitatively improved decisions. On the other hand, the majority of complaints about serious human rights violations would simply remain unprocessed.

The increasing recourse to individual opinions appended, for example, to the Human Rights Committee's final decisions by dissenting experts, has mitigated the vicissitudes of deciding by consensus; but it is submitted here that treaty bodies should take the bold step of abandoning the practice of consensus and, instead, adopt decisions on the basis of majority voting. Majority decisions will improve the quality of decisions and enhance their standing, and nothing in the rules of procedure of the respective bodies rules out this option. No lawyer would question the authority of judgements handed down by the Supreme Court of the U.S. or the German Constitutional Court by a narrow majority, and UN human rights treaty bodies need not be afraid to emulate the practice of national judicial instances. Treaty body experts disagreeing with the majority would retain the right to append individual opinions, and to publicize dissenting views. Far from diluting the authority of decisions, majority voting

would help treaty bodies shed the opprobrium of implementing only "quasi-judicial procedures", and constitute one step towards recognition of their decisions as legally binding.

One, if not the, major lacuna in treaty-based complaints procedures remains the absence of any power of enforcement of decisions by UN human rights treaty bodies. This explains why, at the European level for instance, petitioners still largely prefer to submit their complaints to the European Commission and Court of Human Rights, where a positive decision amounts to an enforceable title. The only effective weapon of UN treaty bodies currently remains the publicity of decisions - all decisions, opinions and Views are published in the Annual Report to the General Assembly of the body concerned, and most are now available on worldwide web sites or are published in major academic journals.

At the same time, "shaming a government into compliance" is an often used and equally often abused slogan, which does not always produce the required effect. More assertive methods are necessary to effect a change of attitude on the part of some states - such as those employed recently by the Human Rights Committee or the Committee on the Rights of the Child, which do not hesitate to publish "black lists" of uncooperative States in their annual reports.

"The major lacuna in treaty-based complaints procedures remains the absence of any power of enforcement of decisions by UN human rights treaty bodies"

While the treaty bodies' decisions are not legally binding on States and do not constitute an enforceable title, they are by no means devoid of legal significance. Thus, many states have implemented the Views of the Human Rights Committee by, for example, amending legislation considered incompatible with the provisions of the Covenant; releasing political prisoners; awarding compensation to the victims of human rights violations; reinstatement of complainants into civil service; or granting other remedies. These are positive developments, but they are, put bluntly, dependent on the good faith of the State party concerned. So-called "enabling legislation", i.e. legislation which elevates the decisions of UN and regional human rights bodies to the level of enforceable judgements at the na-

TREATY BODIES

tional level, remains a rarity among UN member states. Peru passed such legislation in 1985, before repealing it in 1996; Colombia passed enabling legislation in 1996, and Argentina is currently debating it.

Since 1990, some treaty bodies and, in particular, the Human Rights Committee have endeavoured to enhance the quasi-judicial nature of their mandate by implementing formal follow-up mechanisms, designed to monitor how States parties give effect to the treaty bodies' decisions. This was prompted mainly by the low degree of first-hand information received from States parties on the implementation of decisions. The Human Rights Committee created the mandate of Special Rapporteur for Follow-up on Views in the summer of 1990, and Committee members have consistently argued for the need to empower the Special Rapporteur to discharge his mandate effectively; in 1994, these powers were formally spelled out in the Rules of Procedure. In 1995, invoking the doctrine of "implied powers", the Committee went one step further and approved a follow-up fact-finding mechanism, which was first used during a mission to Jamaica in the summer of 1995.

Since 1995, the Human Rights Committee has been publishing a detailed chapter on its follow-up activities under the Optional Protocol in its Annual Report; moreover, a detailed "follow-up progress report" is regularly prepared and updated by the Committee's secretariat. Even so, it remains difficult to draw definitive conclusions from recent experiences with the follow-up procedure. Thanks to the commitment and vigour of the Committee's Special Rapporteurs², the majority of States parties now reply to the Rapporteur's requests for follow-up information, but some remain silent or even challenge the Committee's findings and recommendations. Some follow-up replies are extremely encouraging promising, for example, a legislative review on the basis of the Committee's findings, or informing the Secretary-General that compensation is being, or will be, paid to the victim(s). Still, numerous follow-up replies received so far display a marked reluctance on the part of States parties

to recognize the treaty bodies' decisions as binding; thus, they may point out that compensatory payments to victims will be made purely on an *ex gratia* basis. Faced with this situation, treaty bodies must keep their follow-up procedures under constant review and refine them whenever possible and appropriate.

One noticeable and important yardstick of the effectiveness of treaty-based complaints procedures is the frequency and success with which treaty bodies have requested so-called "interim measures of protection", e.g. in death penalty, extradition or deportation cases. Over the past decade, the Human Rights

Committee and the Committee against Torture have requested such interim measures of protection in well over 200 cases (mostly relating to stays of execution or to the temporary suspension of extradition or deportation orders), and in all but five cases these requests have been respected. This high level of State party compliance has, it can be said, strengthened the quasi-judicial nature of treaty-based complaints procedures.

For treaty-based complaints procedures to function effectively, they must be provided with the appropriate, up-to-date logistics and with adequate servicing by the UN Secretariat. In their Annual Reports to the General Assembly, some treaty bodies have regretted that the services provided to them, in terms of Secretariat staff and logistical backup, do not enable them to discharge all of their re-

"Over the past decade, the Human Rights Committee and the Committee against Torture have requested the interim measures of protection, e.g. in death penalty, extradition or deportation cases, in well over 200 cases and in all but five cases these requests have been respected"

spective mandates as effectively as desirable and necessary. The situation with regard to servicing of periodic reporting and individual complaints mechanisms is indeed serious: measured against the formidable increase in the workload of treaty bodies over the past ten years, Secretariat resources have either remained stable or been reduced in real terms. The backlog in examination of complaints mentioned above is a direct consequence of this situation. And yet, the unwillingness of major contributors to the UN budget to approve substantial budget increases justifies the following unpalatable but sober conclusion: treaty bodies will have to live with the *status quo* in terms of services available to them in the foreseeable future. Clearly, they must oppose a re-

TREATY BODIES

Netcape - [United Nations Human Rights Website - Treaty Bodies Database]

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UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

FRANCAIS ESPAÑOL

Treaty Bodies Database

Documents

- By Treaty
- By Country
- By Symbol
- By Type

Status

- Reporting
- Ratification

This database was developed to meet the growing interest in the committees established to monitor the implementation of the principal international human rights treaties (also referred as "treaty monitoring bodies" or "treaty bodies"):

- the Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights,
- the Committee on Economic, Social and Cultural Rights, which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights,
- the Committee against Torture, which monitors the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- the Committee on the Elimination of Racial Discrimination, which monitors the International Convention on the Elimination of All Forms of Racial Discrimination.

Information technology and electronic databases contribute to making the work of the treaty bodies more effective - The website of the Office of the High Commissioner for Human Rights (www.unhcr.ch) provides direct access to the Treaty Bodies Database (see screenshot above) containing the full text of State Reports and concluding observations as well as information regarding the status of reporting and ratification

duction in services, but at the same time, they must consider alternative mechanisms for the financing of their activities. One may mention here the financing of so-called "junior professional officers" by UN member states for periods of up to three years, or grants from large foundations and academic institutions which would finance long-term internships with the treaty bodies.

At the level of information technology and electronic databases, it is noteworthy that recent developments now contribute to making the work of the treaty bodies more effective. Within the Office of the High Commissioner for Human Rights, a communications database has been under development since the autumn of 1997; once completed, it will enable the secretariat to track the status of each complaint

automatically and highlight required action for pending cases and follow-up on decisions. A full text-search capability should enable treaty body experts and secretariat alike to perform their duties more efficiently; this would also virtually eliminate time-consuming comparative research of jurisprudence and painstaking checks of case files.

What, in the light of the above observations, are the prospects for the future of treaty-based complaints procedures? The achievements of the treaty bodies under said procedures are considerable and undeniable: their decisions have yielded a commendable degree of compliance, but there is room for further improvement. The treaty bodies themselves should face their responsibilities by further streamlining their procedures and reviewing their decision-making mecha-

TREATY BODIES

"The achievements of the treaty bodies under complaints procedures are considerable and undeniable: their decisions have yielded a commendable degree of compliance, but there is room for further improvement. The treaty bodies themselves should face their responsibilities by further streamlining their procedures and reviewing their decision-making mechanisms"

nisms. On the other hand, the UN should provide improved services, both at the level of Secretariat staff resources and up-to-date information technology. Future biennium budgets of the Office of the High Commissioner for Human Rights should allow for additional resources in this respect; this recommendation extends *a fortiori* to all types of follow-up activities, which have not been budgeted for so far.

The Vienna Declaration and Programme of Action contains several paragraphs which could be used as pegs to enhance the standing of treaty bodies and the authority of their decisions. It would indeed appear to make little sense to negotiate additional Optional Protocols to the other UN human rights conventions, thus creating further complaints mechanisms, if the bodies implementing these procedures are not empowered to hand down binding decisions: it would serve no useful purpose to multiply complaints mechanisms if the prospect of compliance with treaty body decisions is *ab initio* low (as might well be the case with decisions of the Committee on Economic, Social and Cultural Rights under a future Optional Protocol to the International Covenant on Economic, Social and Cultural Rights).

One proposal put forth by the Human Rights Committee in 1993, for the World Conference on Human Rights, suggested the addition of a paragraph to article 5 of the Optional Protocol to the ICCPR, reading approximately as follows: "States parties undertake to give effect to the decisions of the Committee". At Vienna, the proposal was not debated by the Drafting Committee, and it admittedly is a long-term endeavour; the current political obstacles to the adoption of such a proposal remain formidable, and the majority of States parties to the Covenant could be expected to oppose it, but that does not mean that it should not be further discussed.

Another, still more radical, proposal consists in the institution of *one standing body* with the competence to consider and adjudicate complaints under all existing procedures. At present, few States appear prepared to endorse the creation of such a standing body. More daunting still for many is the prospect of a powerful UN human rights judiciary with the power to adopt binding decisions. However, time works in favour of such developments. No activity in the field of human rights yields quick results: yet, over the past 50 years, the level of consensus on which members of the international community were able to agree has grown steadily and to proportions which the founding fathers of the UN would scarcely have conceived. States have, increasingly, accepted the competence of UN human rights bodies to adjudicate individual petitions and complaints. In this perspective, and building on their past achievements, the human rights treaty bodies are well equipped to shoulder additional and wider responsibilities in the future.

Markus Schmidt

1. These are procedures under the Optional Protocol to the Covenant on Civil and Political Rights (implemented by the Human Rights Committee), under article 22 of the Convention against Torture (Committee against Torture), and under article 14 of the Convention on the Elimination of Racial Discrimination (Committee on the Elimination of Racial Discrimination).

2. These are the late Janos Fodor (1991-1993), Andreas Mavrommatis (1993-1996) and Justice P. N. Bhagwati (1997-present).

VOLUNTARY FUND

Le Fonds contre les formes contemporaines d'esclavage a besoin de EU\$100,000

BESOIN DE FINANCEMENT

Selon son Conseil d'administration, pour pouvoir fonctionner chaque année, le Fonds de contributions volontaires des Nations Unies pour la lutte contre les formes contemporaines d'esclavage **a besoin de EU\$100,000.**

BUT

L'Assemblée générale, "gravement préoccupée par la persistance de l'esclavage, de la traite des esclaves, des pratiques esclavagistes et même de manifestations modernes de ces phénomènes, qui représentent quelques-unes des violations les plus graves des droits de l'homme", a créé ce Fonds, en 1991, pour contribuer à assurer la protection des droits de l'homme de ceux qui sont victimes de formes contemporaines d'esclavage.

SOURCES DE FINANCEMENT

Des contributions volontaires peuvent provenir de Gouvernements, d'organisations non-gouvernementales et d'autres entités privées ou publiques. Cependant, aucune nouvelle contribution n'a été reçue depuis mai 1995.

ADMINISTRATION

Le Fonds est administré par le Secrétaire général, conformément au règlement financier et aux règles de gestion financière de l'Organisation des Nations Unies, avec l'avis d'un Conseil d'administration, constitué de cinq personnes ayant l'expérience voulue, en particulier dans le domaine des formes contemporaines d'esclavage, et qui siègent à titre personnel pour un mandat renouvelable de 3 ans.



Photo UN

Enfants au travail sur un chantier de construction. Travail forcé, servitude pour dette, servage, vente et trafic d'enfants sont les formes contemporaines d'esclavage

UTILISATION DES CONTRIBUTIONS

L'argent disponible est affecté à deux objectifs définis par l'Assemblée générale. D'une part, pour aider des représentants d'organisations non-gouvernementales de différentes régions qui s'occupent des formes contemporaines d'esclavage à participer aux délibérations du Groupe de travail sur ce thème de la Sous-Commission de la lutte contre les mesures discriminatoires et de la protection des minorités. D'autre part, pour apporter une aide humanitaire, juridique et financière aux personnes dont les droits de l'homme ont été gravement violés par des formes contemporaines d'esclavage.

En 1997, sur recommandation du Conseil d'administration, le Haut Commissariat des Nations Unies aux droits de l'homme a versé la totalité des sommes disponibles pour six subventions aux frais de participation au Groupe de travail sur les formes

VOLUNTARY FUND

contemporaines d'esclavage et trois subventions à des projets sur le terrain qui n'avaient pas reçu d'aide d'autres organismes compétents des Nations Unies. Des informations sur le montant de ces subventions, les organisations bénéficiaires et le type d'assistance fournie, ont été publiées dans la note du Secrétaire général communiquant au Groupe de travail sur les formes contemporaines d'esclavage à sa 22ème session (2-11 juin 1997) les recommandations du Conseil, approuvées le 27 mars 1997 (E/CN.4/Sub.2/AC.2/1997/4).

APPEL URGENT

Le 2 décembre 1997, le Haut Commissaire, Mme Mary Robinson, a adressé un appel à tous les Gouvernements à contribuer chaque année au Fonds, si possible avant la fin de février 1998, avant la session annuelle du Conseil d'administration, afin de pouvoir affecter les sommes reçues à des subventions pour des activités menées en 1998.

REPORT DE LA RÉUNION DU CONSEIL D'ADMINISTRATION

Faute de réunir les 100,000 dollars susmentionnés, la 4ème session du Conseil d'administration, prévue du 16 au 18 mars 1998, devra être reportée. Toute nouvelle contribution reçue sera affectée par le

Secrétariat, après consultation des membres du Conseil.

Deux projets avaient déjà été recommandés par le Conseil d'administration lors de sa session de mars 1997, pour un montant total de EU\$5,000.

RAPPORT DU SECRÉTAIRE GÉNÉRAL

Des informations complémentaires figurent dans le Rapport du Secrétaire général à la Commission des droits de l'homme à sa 54ème session (E/CN.4/1998/89).

PAIEMENT DE CONTRIBUTIONS VOLONTAIRES

Les contributions doivent être adressées à: "United Nations Geneva General Fund", c/o Société de banque suisse, SBS, B.P. 2770, CH 1211 Genève 2 (en dollars des Etats-Unis, compte CO - 590 - 160. 1, ou en francs suisses, compte CO - 590 - 160. 0). Il est aussi possible d'adresser un chèque libellé à l'ordre de "Nations Unies" et adressé à: Trésorerie, ONU, Palais des Nations, CH - 1211 Genève 10, ou bien à: Treasury, UNO, New York, N.Y 10 017, USA. **Veillez dans tous les cas préciser:** "pour le Fonds de contributions volontaires des Nations Unies pour la lutte contre les formes contemporaines d'esclavage, compte SH".

Eulalia Ortado-Rosich

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Please indicate in respect of both types of payment that your contribution is for the United Nations Voluntary Fund on Contemporary Forms of Slavery, account SH.

The United Nations and National Human Rights Institutions

The World Conference on Human Rights reaffirms the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information and education in human rights . . . The World Conference on Human Rights encourages the establishment and strengthening of national institutions, having regard to the "Principles relating to the status of national institutions" and recognizing that it is the right of each State to choose the framework which is best suited to its particular needs at the national level¹.

Effective implementation of international human rights standards is ultimately a national issue – a reality sometimes lost on those of us working at the international level. International and even regional human rights mechanisms are simply inaccessible to the vast majority of the world's population. Individual rights and freedoms – and those of particularly vulnerable groups or peoples – will primarily be protected or violated because of what exists, or what is lacking, within a given State or society. In other words, the ability of a State to effectively discharge its responsibility to protect and promote human rights will depend predominantly on the strength of its domestic institutions. A pluralist and accountable parliament, an executive which is ultimately subject to the authority of elected representatives and an independent, impartial judiciary are necessary, but not sufficient, institutional prerequisites.

These basic "institutions" must, therefore, be supported by other mechanisms. The development of a culture of human rights at the national level depends on the existence of a vigorous civil society – one which encourages the formation of community groups; which not only tolerates but encourages respect for individual difference and which enjoys a free and responsible press. One particularly useful mechanism for protecting individual liberties and freedoms, located somewhere between the sphere of government and that of civil society, is the "national human rights institution". This term is now commonly used to refer to a body established by government, under the constitution or by legislation, for the specific purpose of promoting and protecting human rights. A variety of different institutional structures fall within this definition – including several types of "ombudsmen" and an increasingly disparate variety of national human rights commissions.

This article is divided into two parts. Part One focuses on the concept of National Institutions; provides an illustrative (rather than definitive) overview of their work²; and highlights key criteria for an effective Institution. Part Two briefly surveys recent developments in the area of National Institutions and, in particular, the work of the High Commissioner for Human Rights in promoting the establishment of new institutions and strengthening existing ones. (The *Principles Relating to the Status of National Institutions*, which were adopted by the United Nations General Assembly in 1993, are reproduced in an annex).

PART ONE

THE STRUCTURE AND FUNCTIONING OF NATIONAL HUMAN RIGHTS INSTITUTIONS

A. DEFINING A NATIONAL HUMAN RIGHTS INSTITUTION

National Human Rights Institutions generally enjoy a broad jurisdiction – usually including the protection of civil and political rights and the prevention of discrimination. Some Institutions are also empowered to promote and protect economic, social and cultural rights. Many Institutions have jurisdiction over both public and private entities; others are restricted to acts or practices occurring in the public sector. The precise authority and functions of each particular Institution are defined in the constitutional provisions, legislative acts or decrees by which it is established.

INSTITUTIONS

Some Institutions are limited to protecting "fundamental rights" as defined in the national constitution. However, an increasing number are empowered to promote and protect human rights prescribed in international human rights treaties and other instruments.

B. THE WORK OF NATIONAL INSTITUTIONS

I. INVESTIGATING ALLEGED VIOLATIONS OF HUMAN RIGHTS

One of the most important functions with which a National Institution can be entrusted is the investigation of complaints from individuals or groups alleging violations of human rights. Depending on the Institution's jurisdiction, these rights may be those enshrined in domestic law and/or those set out in international treaties which the State concerned has ratified. Frequently, violations of internationally recognized human rights will be violations of domestic law – but frequently (as with discriminatory practices in many jurisdictions) they will not. The existence of a national mechanism with the power to investigate abuses and provide relief to victims can, of itself, discourage acts or practices inimical to the enjoyment of human rights.

In order to discharge its investigative responsibility effectively, a National Institution may be granted a range of powers enabling it to gather evidence and question witnesses. (Even if used only occasionally, these powers are important in ensuring that the person or body complained against cannot frustrate the investigation by refusing to cooperate). While there are considerable differences in the procedures adopted by various National Institutions in the investigation and resolution of complaints, a growing number rely on conciliation and/or arbitration. National Human Rights Institutions are not usually empowered to impose legally binding decisions on parties to a complaint. This does not mean, however, that the settlement or remedial steps recommended by the Institution can be ignored. In some countries, a special tribunal has authority to hear and determine issues arising from unresolved cases. In others, the Institution may be able to refer matters to superior courts for a final and legally binding decision or for enforcement of its determination.

II. CONDUCTING PUBLIC ENQUIRIES

Some National Human Rights Institutions also enjoy a mandate to conduct public enquiries on their own initiative. This is an important power – particu-



Additional technical information on the structure and functioning of National Human Rights Institutions may be found in: National Human Rights Institutions - A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights, Professional Training Series no. 4, United Nations, New York and Geneva, 1995.

larly in effectively addressing systemic violations of the rights of the most vulnerable and disadvantaged groups in society; minorities, the homeless, indigenous peoples, the mentally ill, those with intellectual disabilities and others who frequently lack effective advocates and are seldom in a position to lodge individual complaints. (Experience demonstrates that media interest also makes such enquiries an effective vehicle for educating the public generally).

III. PROVIDING ADVICE AND ASSISTANCE TO GOVERNMENTS

Another important function of National Human Rights Institutions is providing assistance and advice to governments. Again, mandates vary widely; some are granted a general authority to bring human rights abuses to the attention of the parliament, the executive and/or the judiciary – to assist these institutions in promoting and protecting human rights. Some are able to submit opinions on proposed or existing legislation directly to parliament; to initiate new legislation; or to intervene in legal proceedings involving questions of human rights (usually with the proviso that leave must be obtained from the court). They may also be entrusted with responsibility for drawing governments' attention to situations of human rights abuse and making specific proposals aimed at preventing such abuse. A number of National Human Rights Institutions play an important role in moni-

INSTITUTIONS

toring the implementation of international human rights standards and assisting Governments to fulfil their reporting obligations to various international treaty bodies.

IV. HUMAN RIGHTS EDUCATION

Perhaps the most important role of a National Human Rights Institution is to educate individuals about their rights – which Governments, the private sector and other individuals must respect. There is a growing awareness that preventive strategies must increasingly absorb our attention and resources – and that among the most effective of these are appropriate education and training in human rights. Such strategies can involve a variety of activities, including the collection, production and dissemination of information; the organization of promotional events and the development and implementation of training programmes for a variety of audiences. National Institutions are increasingly focussing their attention on the need to develop practical strategies for effective education – not only in the more formal settings of primary, secondary and tertiary educational facilities, but also in the critical areas of training for police, prison, paramilitary, military and security forces.

C. FEATURES OF AN EFFECTIVE HUMAN RIGHTS INSTITUTION

It is the right of each State to choose the framework for a National Institution which best meets its needs. In determining the type of Institution to be established, States must consider a variety of factors including political, cultural and economic realities. Accordingly, it is not possible to prescribe precise standards which will be universally and uniformly applicable.

It is possible, however, drawing on recent experience, to identify “indicators for effectiveness”. These criteria, summarized below, have received broad acceptance² and are therefore useful tools for evaluating Institutions and encouraging their development.

I. INDEPENDENCE

A National Human Rights Institution must be independent. While certain restrictions on absolute independence may be necessary, it is essential to ensure these do not impede its ability to discharge its responsibilities effectively. A National Institution should be legally and politically autonomous – to the extent that

no branch of government or any public or private entity can interfere in, or obstruct, its work. A National Institution must also be able to control its own finances, with external accountability being limited to appropriate audit and evaluation of financial reports and resource utilization. Clearly, any Institution will only be as independent as the individuals of which it is composed. All members, acting individually and collectively, should be capable of generating and sustaining independence of action. The methodology and procedures by which members are appointed and dismissed are obviously critical elements in this context.

II. AN APPROPRIATE, CLEARLY DEFINED MANDATE

An effective National Institution must enjoy a clearly defined area of jurisdiction. The Institution and the community it serves should be in no doubt as to the functions it is charged to perform. The legal powers conferred on it must be relative to its tasks. It is of no use, for example, granting a National Institution power to investigate complaints without also empowering it to collect evidence and subpoena witnesses. A carefully defined mandate should also serve to avoid possible conflict of jurisdiction with other independent agencies or with the courts.

III. PLURALISTIC AND REPRESENTATIVE COMPOSITION

Diversity among those constituting the Institution is particularly important. An effective, credible National Institution will be one which reflects, in composition, the community it is established to serve. A National Institution composed solely of men, for example, or of one particular ethnic or religious group, is unlikely to reflect the diversity of society or inspire confidence in its impartiality.

IV. ACCESSIBILITY

A National Human Rights Institution must be readily accessible to its “clients” – those individuals and groups whose rights it has been established to promote and protect. In this respect it is essential to recognize that many of the most important “clients” – those who are most in need of help – will often be difficult to reach through orthodox channels of communication. An effective Institution will therefore be one which develops proactive strategies for assisting those who are most vulnerable and disadvantaged. Physical accessibility is also important and can be improved through the establishment of related bodies at State and provincial levels. Where decentralization in this context is not a practical option, National

INSTITUTIONS



Fourth International Workshop on National Institutions for the Promotion and Protection of Human Rights.

From left to right: Dr. Ernesto Zedillo Ponce de León, President of Mexico; Dr. Mirelle Roccatti, President of the Mexican National Commission for Human Rights; Mr. Brian Burdekin, Special Adviser to the High Commissioner for Human Rights on National Institutions.

Institutions may recruit field officers to serve in different regions. Flexible rules of procedure (e.g.: accepting complaints through the post or over the telephone) will also increase an Institution's accessibility.

V. COOPERATION WITH NON-GOVERNMENTAL ORGANIZATIONS (NGOs)

All effective Human Rights Institutions have established and maintain close relations with non-governmental organizations involved in human rights matters. NGOs frequently have a particular focus, a freedom of movement and a flexibility of action which make them a vital information source for National Institutions. The specialization of many NGOs allows them to make a particularly important contribution in the areas of education and training. The charters of most National Institutions recognize, either explicitly or implicitly, the important role played by NGOs and empower the respective Institutions to work closely with them.

It is important that the synergy of this relationship be appreciated by Governments contemplating the creation of independent National Institutions – and that there is no misapprehension that the establishment of such mechanisms in any way minimizes or derogates from the central role which a vigorous non-government sector has to play in protecting human rights.

VI. ADEQUATE RESOURCES

Sufficient human resources and adequate funding are essential prerequisites for operational efficiency. If at all possible, guarantees on these matters should be included in the Institution's charter. As well as jeopardizing efficiency, inadequate resources can cripple a National Institution. The commitment of any government which establishes a Human Rights Commission and then fails to resource it properly will obviously be called into question.

PART TWO

NATIONAL HUMAN RIGHTS INSTITUTIONS AND THE HIGH COMMISSIONER FOR HUMAN RIGHTS

"I would like to draw particular attention to the importance of national institutions for the promotion and protection of human rights. Once international standards have been set, once the international mechanisms of protection are functioning, it is the primary responsibility of Governments to ensure human rights. However, Governments can be greatly assisted by national commissions that promote human rights standards and ensure the harmonization of national legislation with international

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*human rights standards. In the past few years, my office has assisted countries in all regions to create or strengthen such national institutions...I intend to make this work one of my highest priorities and use the opportunity of the 50th anniversary ... to pursue further progress in this area*¹⁹.

The High Commissioner for Human Rights has been increasingly active in promoting the establishment and strengthening of independent, effective National Human Rights Institutions. The activities of her Office can be broadly divided into two areas. First, provision of practical advice and assistance to those involved in the establishment of new National Institutions or the strengthening of existing ones; second, acting as a facilitator for international and regional meetings of National Institutions.

A. ASSISTANCE TO GOVERNMENTS AND TO INDIVIDUAL INSTITUTIONS

Both the General Assembly and the Commission on Human Rights have recently requested the High Commissioner to accord priority to the establishment and strengthening of National Human Rights Institutions. Such assistance is now a major component of the High Commissioner's Technical Cooperation Programme and is generally financed by contributions (often specifically earmarked for National Institutions) to the Voluntary Fund for Technical Cooperation. In the last few years, a large number of countries and Institutions, particularly in Africa, Asia and Eastern Europe, have been the focus of technical cooperation initiatives. The following is an illustrative, rather than an exhaustive list of these activities².

Establishing an appropriate constitutional or legislative foundation for any new Institution is of primary importance. It is essential to ensure that the structure and functions of the Institution will enable it to respond adequately to the needs of the community it is being established to serve. In recognition of the importance of the *pre-establishment phase*, the High Commissioner has provided preliminary advice or assistance to a number of countries currently considering or actually establishing a National Human Rights Institution. During the past 12 months, these included, *inter alia*, Armenia, Bangladesh, Cambodia, Fiji, Georgia, Liberia, Malawi, Madagascar, Mauritius, Mongolia, Moldova, Nepal, Papua New Guinea, Rwanda, Sri Lanka and Thailand.

The type of assistance provided varies from country to country and is tailored to specific needs. In Bangladesh, for example, assistance was provided to the Government in the form of high-level consultations concerning the establishment of a National Commission, participation in workshops and facilitating contacts with representatives of National Institutions in other countries. In Mongolia, the High Commissioner has sponsored workshops for parliamentarians on establishing an independent Human Rights Commission and assistance has been provided in drafting the relevant legislation. In Papua New Guinea, a technical cooperation project has been concluded with the Government and work is well advanced on establishing an independent Commission. In Malawi, substantial preparatory work has been done with relevant officials to facilitate the establishment and effective operation of the Human Rights Commission prescribed in the new Constitution. In all cases, consultations conducted have included NGOs.

Assistance is also provided to recently established National Institutions. In South Africa, the Human Rights Commission is a central focus of the High Commissioner's activity. A substantial project of technical assistance to the Latvian Human Rights Office is currently being implemented. In 1997, a needs assessment mission was sent to arrange a comprehensive programme of support for the new Ugandan Human Rights Commission and a technical cooperation project has subsequently been prepared, in close consultation with the Commission. Advice and assistance have also been provided to the new Human Rights Commission in Zambia. Other National Institutions which have worked in cooperation with activities sponsored by the High Commissioner include those in India, Indonesia and the Philippines.

In many of these countries, the High Commissioner is consulting and cooperating with UNDP - in recognition of the close relationship between human rights, good governance and sustainable development. The High Commissioner has also encouraged the formulation of projects conducted in close cooperation with bilateral donors.

B. ASSISTANCE TO INTERNATIONAL AND REGIONAL MEETINGS

In 1991, at a meeting of representatives of National Institutions, held under United Nations auspices in Paris, the "Principles Relating to the Status of Na-

INSTITUTIONS

tional Human Rights Institutions" referred to in the introduction were developed. These Principles, subsequently endorsed by the Commission on Human Rights and the General Assembly of the United Nations, provide important benchmarks for the High Commissioner's work.

The Paris meeting was the first in a series of international meetings of representatives of National Institutions – originally organized by the United Nations in response to resolutions adopted by the Commission on Human Rights. The Second International Meeting was held in Tunis in 1993. (At this Meeting a Coordinating Committee of National Human Rights Institutions was formally convened. The Coordinating Committee, comprising representatives of National Institutions from all regions, meets annually in Geneva during the Commission on Human Rights). The Third International Meeting was held in Manila in 1995 and the Fourth and most recent Meeting took place in Merida, Mexico in November, 1997.

At the Manila meeting in 1995, the organization of regional workshops of National Institutions was formally proposed. The *First Regional Conference of African National Human Rights Institutions* was conducted in Cameroon in February 1996. This was followed by the *First Regional Workshop of Asia-Pacific National Human Rights Institutions*, in Australia, in July 1996 and the *Second Regional Workshop of Asia-Pacific National Human Rights Institutions*, in New Delhi in September, 1997. Similar regional meetings have also been held in Europe. The majority of these initiatives have been organized with the assistance and/or financial support of the Office of the High Commissioner.

CONCLUSION

It is their capacity to contribute substantially to the realization of human rights which makes independent Human Rights Institutions so significant. Democracy alone is no guarantee that the rights of all persons will be protected – as history clearly demonstrates. Nor is the constitutional entrenchment of human rights any guarantee that they will not be frequently and flagrantly violated in practice. But if there is an independent, autonomous National Commission or similar institution with a mandate and appropriate powers to monitor and protect human rights, the demonstrable deficiencies of Governments, constitutional "guarantees" and often inaccessible court systems can be more effectively addressed.

First, National Human Rights Institutions can, by reaching so many, transform the rhetoric of the international instruments into reality for millions of people for whom the term "human rights" has previously had no meaning at all. Second, they can do this in a manner which is consistent with the standards prescribed in the international treaties, while accommodating constitutional peculiarities and the extraordinarily disparate challenges posed by local conditions and cultures – thus respecting ethnic, cultural, religious and linguistic diversity. Third, they can do this in a more informed and sensitive manner than any regional or international body. Fourth, they can do this without compromising a vigorous defence of the rights of minorities by reference to the wishes of the sometimes overwhelming ethnic, linguistic or religious majority. Fifth, they can contribute to and monitor the integrity of government reports to international treaty bodies – better reflecting the reality of human rights. Sixth, they can provide constructive, well-informed criticism from within, which is frequently important in corroborating or balancing criticism from "foreigners" – sometimes dismissed by Governments subject to criticism as based on ulterior or illegitimate motives.

For these and other reasons, independent National Institutions can enhance national stability and security – and thereby contribute to national development – whilst promoting and protecting human rights.

Brian Burdekin and Anne Gallagher

¹Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, Vienna, 25 June 1993 (A/CONF.157/24 Part I, paragraph 36).

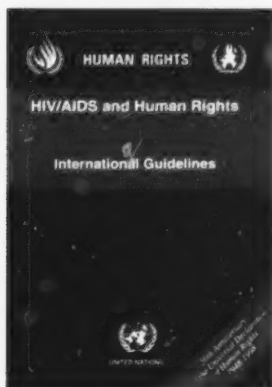
²Additional technical information on the structure and functioning of National Human Rights Institutions may be found in the United Nations Publication: *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*, Professional Training Series No. 4, United Nations, New York and Geneva, 1995.

³The majority of the elements listed in this Part are identified in the *Principles Relating to the Status of National Institutions*, endorsed by the Commission on Human Rights in Resolution 1992/54 (1992) and by the General Assembly in Resolution 48/134 (1993).

⁴Statement by Mary Robinson, UN High Commissioner for Human Rights to the fifty-second session of the United Nations General Assembly, New York, 14 November 1997.

⁵Additional information may be found in the report of the Secretary-General to the Commission on Human Rights on the Technical Cooperation Programme (E/CN.4/1997/86) and in the report of the High Commissioner for Human Rights to the Commission (E/CN.4/1997/98).

PUBLICATIONS



The HIV/AIDS epidemic continues to spread throughout the world at an alarming rate, bringing in its wake widespread abuse of human rights and fundamental freedoms. Many people with HIV/AIDS suffer discrimination, intolerance and prejudice. It is against this background that the Of-

fice of the High Commissioner for Human Rights and UNAIDS (the Joint United Nations Programme on HIV/AIDS) have jointly published *International Guidelines on HIV/AIDS and Human Rights*. The Guidelines offer concrete measures to protect human rights and health in the presence of HIV/AIDS and offer assistance, not only for people living with HIV, but for society in general. The measures proposed in the guidelines follow three broad approaches:

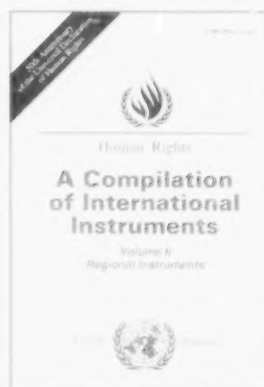
1. Increasing awareness of the human rights principles underlying a positive and sustainable response to HIV/AIDS;
2. Providing action-oriented measures to be employed by Governments in the areas of law, administrative policy and practice that will protect human rights and achieve HIV-related public health goals;
3. Increasing private sector and community participation in the response to HIV/AIDS, including building the capacity and responsibility of civil society to respond ethically and effectively.

The twelve guidelines are the product of 15 years of practical experience in responding to HIV/AIDS. UNAIDS has joined with the Office of the High Commissioner for Human Rights to publish the guidelines during the fiftieth anniversary year of the Universal Declaration of Human Rights. The publication calls on Governments and communities to confront the issues with a sense of urgency. It emphasizes that the fulfilment of the State's obligations concerning rights to non-discrimination, health, information, education, employment, social welfare and public participation is crucial not only to ensure human care and support for those infected with and affected by HIV/AIDS, but it is also vital in the fight to reduce vulnerability to infection. The Guidelines underscore the fact that in the context of HIV/AIDS as in other areas, human rights and public health are inextricably linked.

For sale: \$ 15 ISBN 92-1-154130-1

The second volume of *A Compilation of International Instruments* devoted to regional instruments has been published by the Office of the United Nations High Commissioner for Human Rights. It contains a selection of instruments adopted within the

framework of regional intergovernmental organizations up to 31 July 1997: the Organization of American States, the Council of Europe, the Organization of African Unity, the Organization for Security and Cooperation in Europe, and the Organization of the Islamic Conference. The order of listing of the organizations is that of the dates of their establishment, and that of instruments is the chronological order of their adoption. This collection of regional instruments is being issued for the first time.



The legal status of the instruments contained in the Compilation varies. Those referred to as *declarations, principles, guidelines, standard rules and recommendations* have no binding effect. Nevertheless, these instruments have an undeniable moral force and provide practical guidance to States in their conduct. The value of such instruments rests on their recognition and acceptance by a large number of States, and, even without binding effect, they may be seen as declaratory of broadly accepted principles within the international community.

The first volume, which is published in two parts, and the second, together constitute a comprehensive catalogue of the existing human rights instruments adopted at both universal and regional level. It is hoped that the Compilation will contribute to a wider knowledge and increased awareness of international human rights standards and will be a valuable resource for all those engaged in the promotion and protection of human rights and fundamental freedoms.

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FUND-RAISING

1998 OHCHR Shortfall

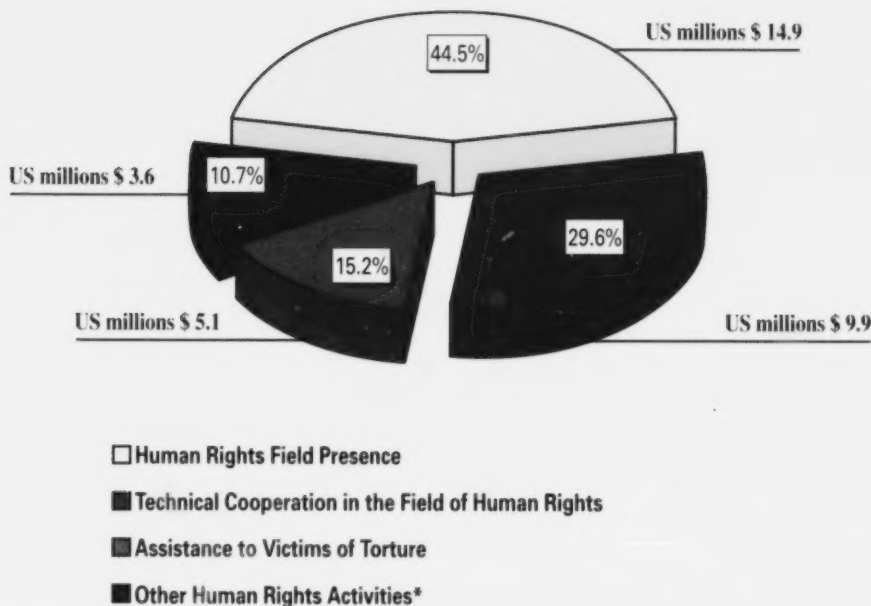
In a letter addressed to the Ministers of Foreign Affairs of all Member States of the United Nations on 11 February 1998, the High Commissioner indicated that "extrabudgetary resources are an indispensable complement if the mandate entrusted to the High Commissioner for Human Rights for the provision of technical cooperation, the support of field activities and other endeavours related to indigenous people, rights of the child, economic rights, victims of torture and slavery and action to combat racism and racial discrimination, are to be carried out".

The High Commissioner believes strongly that "it would be a clear and commendable expression of belief in the universality of human rights for all Member States to contribute to United Nations human rights programmes".

The 50th anniversary of the Universal Declaration of Human Rights in 1998 offers a unique opportunity to the Office of the United Nations High Commissioner for Human Rights to consolidate its fund-raising efforts, increase their transparency and direct the attention of all Member States as well as of the wider human rights community to these efforts.

1998 OHCHR SHORTFALL

Total: US \$ 33,537,433



*Trust Fund for the Programme of Action to Combat Racism and Racial Discrimination; Trust Fund on Contemporary Forms of Slavery; Trust Fund for Support of the Activities of the Office of the High Commissioner for Human Rights; Trust Fund for Support of the Activities of the Office of the High Commissioner of Human Rights in Cambodia; Voluntary Fund for Indigenous Populations; Voluntary Fund for the International Decade of the World's Indigenous People.

FUND-RAISING

OHCHR EXTRA-BUDGETARY FUNDING OVERVIEW FOR 1998

1998 FINANCIAL REQUIREMENTS*

Required	54,357,293
Contributed	20,819,860
Shortfall	33,537,433

FIELD ACTIVITY	REQUIRED	CONTRIBUTED	SHORTFALL
BURUNDI	5,537,113	1,321,840	4,215,273
COLOMBIA	1,311,639	719,185	592,454
FORMER YUGOSLAVIA	2,190,392	1,849,557	340,835
RWANDA	13,735,800	3,172,064	10,563,736
DEMOCRATIC REPUBLIC OF THE CONGO	740,888	411,601	329,287
UNEARMARKED CONTRIBUTIONS	---	1,093,899	(1,093,899)
TOTAL	23,515,832	8,568,146	14,947,686
OTHER PROGRAMMES	REQUIRED	CONTRIBUTED	SHORTFALL
TRUST FUND FOR SUPPORT OF THE ACTIVITIES OF OHCHR IN CAMBODIA	1,500,000	2,115,000	(615,000)
VOLUNTARY FUND FOR TECHNICAL COOPERATION**	18,117,809	8,210,467	9,907,342
VOLUNTARY FUND FOR VICTIMS OF TORTURE	6,800,000	1,704,699	5,095,301
TRUST FUND FOR THE PROGRAMME OF ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION	124,500	---	124,500
UN VOLUNTARY FUND FOR INDIGENOUS POPULATIONS	294,000	20,548	273,452
UN VOLUNTARY FUND FOR THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLES	549,652	---	549,652
TRUST FUND FOR CONTEMPORARY FORMS OF SLAVERY	100,000	---	100,000
TRUST FUND FOR SUPPORT OF THE ACTIVITIES OF THE OHCHR***	3,355,500	201,000	3,154,500
GRAND TOTAL	54,357,293	20,819,860	33,537,433

* As of 10 March 1998.

** Funds cover the entire period of the projects.

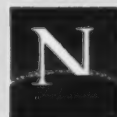
*** Including funds to support the Convention on the Rights of the Child and the Covenant on Economic, Social and Cultural Rights.

OHCHR is actively considering the option of simplifying the structure and presentation of contributions for field activities and establishing a revolving fund with unarmarked contributions. For more information, please contact Mr. Gianni Magazzeni, coordinator of fund-raising efforts at OHCHR, tel. 0041-22-9172128, fax 0041-22-9170213, Email: gmagazzeni.hchr@unog.ch



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by Mrs. Mary Robinson

United Nations High Commissioner for Human Rights
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"It was never the people who complained of the universality of

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- The High Commissioner for Human Rights expresses her grave concern at the decision by the Federal Court of Malaysia refusing immunity for the Special Rapporteur, Mr. Param Kumaraswamy
- Opening statement by the High Commissioner for Human Rights to the working group entrusted with the drafting of a declaration on the rights and responsibility of human rights defenders
- Joint statement by the High Commissioner for Human Rights, the Executive Director of UNICEF and the Executive Director of WFP who are deeply concerned at the plight of their colleague from UNHCR, Vincent Cochetel, who was abducted on 29 January 1998
- STATES PARTIES TO CONVENTION ON ELIMINATION OF DISCRIMINATION AGAINST WOMEN ELECT TWELVE EXPERTS TO SERVE ON MONITORING BODY

On-going Human Rights meeting

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The Office of the High Commissioner for Human Rights

Since its opening, the United Nations Human Rights website has been visited by people from 123 countries worldwide. From 1 August to 31 October 1997, the website has had an average of approximately 3000 user sessions per week; each session lasts 17 minutes on average.

These numbers prove the success of the project, encourage us to meet expecta-

tions and reinforce our commitment to work for its continuing maintenance, improvement and updating. In the context of this continuing commitment, your comments and/or suggestions play a pivotal role.

The special E-mail address:

webadmin.hchr@unog.ch

which appears at the bottom of all our site menus has been created for this purpose.

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Selon nos dernières statistiques notre site en anglais a été visité par 3000 utilisateurs par semaine de 123 pays différents. La durée moyenne des sessions a été de 17 minutes.

Ces indications démontrent le succès du projet et nous encouragent à renforcer notre engagement, et à accentuer nos ef-

forts pour son amélioration et sa mise à jour.

Vos commentaires et suggestions jouent un rôle important. Dans ce but, nous avons créé spécialement une adresse électronique:

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où nous attendons vos remarques.

Calendar / Calendrier*

April - June 1998 / avril - juin 1998

* In Geneva unless otherwise specified / à Genève sauf contre-indication

54th Session of the Commission on Human Rights	16 Mar./mars 24 Apr./avr.	54ème session de la Commission des droits de l'homme
Board of Trustees of the Voluntary Fund for Indigenous Populations	30 Mar./mars 1 Apr./avr.	Conseil d'administration du fonds de contributions des Nations Unies pour les populations autochtones
Post-sessional Bureau meeting of the 54th session of the Commission on Human Rights	mid Apr. mi-avr.	Réunion post-session du Bureau de la 54ème session de la Commission des droits de l'homme
Committee on Economic, Social and Cultural Rights	27 Apr./avr. 15 May/mai	Comité des droits économiques, sociaux et culturels
Working Group on Enforced or Involuntary Disappearances	11-15 May/mai	Groupe de travail sur les disparitions forcées ou involontaires
Working Group on Arbitrary Detention	11-15 May/mai	Groupe de travail sur la détention arbitraire
Pre-sessional Working Group of the Committee on Economic, Social and Cultural Rights	18-22 May/mai	Groupe de travail présession du Comité des droits économiques, sociaux et culturels
Committee Against Torture	4-15 May/mai	Comité contre la Torture
Board of Trustees of the Voluntary Fund for Victims of Torture	11-22 May/mai	Conseil d'administration du fonds de contributions volontaires pour les victimes de la torture
Sub-Commission, Inter-sessional Working Group on Minorities	25-29 May/mai	Sous-Commission, Groupe de travail inter-session sur les minorités
Special Committee to Investigate Israeli Practices affecting the Palestinian People and Other Arabs of the Occupied Territories	May/June Mai/juin	Comité spécial chargé d'enquêter sur les pratiques israéliennes affectant les droits de l'homme du peuple palestinien et des autres Arabes des territoires occupés
Committee on the Rights of the Child	18 May/mars - 15 June/juin	Comité des droits de l'enfant
Sub-Commission, Working Group on Contemporary Forms of Slavery	May/June mai/juin	Sous-Commission, Groupe de travail sur les formes contemporaines d'esclavage
Pre-sessional Working Group of the Committee on the Rights of the Child	8-12 June/juin	Groupe de travail présession du Comité des droits de l'enfant
Board of Trustees of Voluntary Fund for Technical Cooperation in the Field of Human Rights	29 June/juin 2 July/jul.	Conseil d'administration du fonds de contributions volontaires pour la coopération technique dans le domaine des droits de l'homme